

**STATE OF INDIANA – COUNTY OF JASPER
IN THE JASPER CIRCUIT COURT AND JASPER SUPERIOR COURT**

**Notice of Proposed Amendment to Local Court Rule
June 20, 2011**

On October 13, 2010, the Jasper Courts filed a Request for Approval to readopt its current Caseload Allocation Rule. After review by the Supreme Court State Court Administration Division, two minor amendments were suggested. In accordance with Trial Rule 81 of the Indiana Court Rules, the Jasper Circuit Court and Jasper Superior Court hereby give notice to the bar and the public that the Courts propose to amend the Local Rule on Caseload Allocation at **LR37-AR00-04**, effective **July 25, 2011**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Caseload Allocation and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on **June 21, 2011**, and shall close on **July 21, 2011**. The proposed amendments to the rule will be adopted, modified or rejected after comments; and, the final version of the rules will be submitted to the Indiana Supreme Court for review and approval.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. John D. Potter, Judge of the Jasper Circuit Court, Attn: Public Comment on Local Rules,
Jasper County Courthouse, 115 W. Washington Street, Rensselaer, Indiana.

A paper copy of the proposed local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Jasper County, Jasper County Courthouse, 115 W. Washington Street, Rensselaer, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.jaspercounty.org/clerk> or <http://www.in.gov/judiciary/rules/local>

John D. Potter /s/

John D. Potter, Judge
Jasper Circuit Court

James R. Ahler /s/

James R. Ahler, Judge
Jasper Superior Court

LR37-AR00-04**Case Allocation**

- A. All Capital Murder Cases (LP/DP) shall be filed in the Jasper Circuit Court.
- B. All Murder (MR), Felony (CF), Class A Felony (FA), Class B Felony (FB), Class C Felony (FC) and Class D Felony (FD) cases shall be filed as follows:
1. All cases involving charges which occurred on odd numbered days of the calendar year shall be filed in the Jasper Superior Court.
 2. All cases involving charges which occurred on even numbered days of the calendar year shall be filed in the Jasper Circuit Court.
 3. For purposes of judicial economy, notwithstanding this rule, a felony or murder case may be filed in the Jasper Circuit or Jasper Superior Court without regard for the date of the offense if the named defendant already has pending felony charges in either the Jasper Circuit or Jasper Superior Court which have not yet reached a conclusion on the merits.
- C. All Criminal Misdemeanor cases (CM) shall be filed in the Jasper Superior Court except as noted below:
1. For purposes of judicial economy, notwithstanding this rule, a Criminal Misdemeanor (CM) may be filed in the Jasper Circuit Court if the named defendant already has pending felony charges in the Jasper Circuit which has not yet reached a conclusion on the merits.
 2. Any Criminal Misdemeanor (CM) case where the defendant was summonsed to court by a Uniform Complaint and Summons, electronic or otherwise, and not arrested for the misdemeanor offense shall be filed in the Jasper Circuit Court with the Infractions (IF) pursuant to sub-part D of this rule.
- D. All Infractions (IF) shall be filed in the Jasper Circuit Court.
- E. All Small Claims (SC) shall be filed in the Jasper Circuit Court.
- F. All Post Conviction Relief Petitions (PC) shall be assigned to the Court in which the judgment of conviction was entered. The Clerk shall assign the Post Conviction Relief Petition a new "PC" cause number and also consolidate the previous cause in which the judgment of conviction was entered with the new cause.
- G. All juvenile cases (JC, JD, JS, JP, JM, JT), pursuant to statute and this rule shall be filed in the Jasper Circuit Court.
- H. All other civil cases may be filed as has been traditional, in either Circuit or Superior Court.
- ~~H-I.~~ The Judges of Jasper Superior Court and the Jasper Circuit Court may transfer cases from either Court in order to equalize the caseloads between the courts ~~comply with this Local Rule.~~